

FILEDUNITED STATES DISTRICT COURT
ROSSELL, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

DEC 01 2022

District of New Mexico

MITCHELL R. ELFERS
CLERK OF COURT

United States of America

v.

Antonio Orlando ROMERO

Case No. 22-MJ-1779

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 9/17/2022 in the county of Chaves in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC, 922(g)(1)

Possession or Receipt of a Firearm, or Ammunition by a Convicted Felon

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Humberto Loya, Task Force Officer, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/1/22

City and state: Roswell, New Mexico



Judge's signature

Barbara Evans, U.S. Magistrate Judge

Printed name and title

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United States of America

vs.

Antonio Orlando ROMERO.

AFFIDAVIT

I, Humberto Loya, being duly sworn, depose and state the following:

1. I am a Task Force Officer (TFO) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since July of 2022. I am currently assigned to the Las Cruces Field Office and specifically to the Roswell Satellite Office, which is involved in various facets of ATF's enforcement programs. I am also a full-time Law Enforcement Officer employed with the Roswell Police Department and have been since June 2015. I am currently assigned to the Criminal Investigations Division as a Detective. I am a graduate of the New Mexico Law Enforcement Academy and have over seven years of law enforcement experience. I have also had classroom and on the job training conducting investigations in violent crimes, homicides, crimes against children and sexual assaults which have resulted in felony arrests and convictions.
2. The information contained in this affidavit is based upon information obtained from law enforcement investigators, along with the review of government records. Additionally, this affidavit is based on reports, information, and observations made by other law enforcement officers directly involved in this investigation. This affidavit does not include all the facts of the investigation, but rather serves to establish probable cause to

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support the request for a federal criminal complaint for the arrest of **Antonio Orlando ROMERO** (hereinafter referred to as ROMERO).

3. Your affiant respectfully submits that there is probable cause to believe that ROMERO, a previously convicted felon, is in violation of the Gun Control Act and specifically, **18 U.S.C. § 922(g)(1)** – Possession of a Firearm and or Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year.
4. For purposes of this affidavit, five rounds of .38 special ammunition, along with a Rohm model 88 caliber .38 Special Revolver bearing serial number: NF5747, will be focused on. As such, this affidavit seeks judicial authorization to arrest ROMERO.

The Investigation

5. On Saturday September 17, 2022, at approximately 2:28 a.m., Officer Justin Dollar of the Roswell Police Department conducted a traffic stop on a male subject, later identified as ROMERO, who was operating a bicycle on the city's street without a red light or reflector mounted on the bike, which is a violation of New Mexico State Statute 66-3-707 Lamps and other equipment on Bicycles.
6. Officer Dollar noted that he observed the male operating his bicycle in the roadway going north on Garden Street just south of 2nd Street when he initiated the stop. Your Affiant is familiar with this area in Roswell, NM and knows it to be a high crime area known by the locals as "Chihuahueta."
7. Officer Dollar first observed that ROMERO was shaking and sweating when he contacted him. Officer Matthew Fuentes then arrived to assist Officer Dollar and

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illuminated ROMERO with his LED lights from his police unit. Officer Dollar observed ROMERO to become even more nervous when Officer Fuentes arrived.

8. Officer Dollar then conducted a wants and warrants check on ROMERO via his in-car computer. Officer Dollar learned through that check that ROMERO was known to carry firearms from previous charges related to weapons violations.
9. After conducting the check, Officer Dollar got out of his unit, approached ROMERO and advised him that he would be conducting a pat-down of his (ROMERO) person for weapons. ROMERO immediately became argumentative with Officer Dollar and verbally expressed his disagreement with the pat-down.
10. Officer Dollar continuously explained to ROMERO that the pat-down would be for weapons to ensure everyone's safety while he wrote him a citation and gave ROMERO a lawful order to stand up off his bicycle.
11. After numerous attempts to get ROMERO to comply with his request, Officer Dollar attempted to grab ROMERO'S arm at which point ROMERO moved away from both Officers while tensing up and pulling away from them, even after Officer Dollar gave him verbal commands to stop his actions.
12. Officer Dollar and Officer Fuentes were able to force ROMERO to the ground as ROMERO continued to physically resist both officers. Officers eventually gained control of ROMERO and he was placed under arrest for a violation of New Mexico State Statute 30-22-1 Resisting, Evading or obstructing an Officer.
13. ROMERO was then escorted to Officer Dollar's patrol unit and was searched incident to arrest. During this time, ROMERO continued to tense up and resist officers by pushing

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off the patrol unit using his (ROMERO'S) body. Officer Dollar observed ROMERO to have his right fist balled up as he attempted to cover his right front pocket. Officer Dollar then observes a brown wooden handle protruding from ROMERO'S right front pant pocket.

14. Officer Dollar proceeded to attempt to remove the wooden handle from ROMERO'S front right pant pocket and as he grabbed it, ROMERO said "watch out dude, don't shoot me bro." Officer Dollar then removed the brown handle from ROMERO'S pocket and discovered it is a black in color Ruger revolver with a brown woodgrain handle, bearing serial number NF5747. The firearm had five (5) live .38 special rounds in the cylinder.

The ATF Investigation

15. After reviewing the details of this investigation, your affiant reviewed ROMERO's criminal history, which showed the following felony convictions:
- a. 1/7/2013: Convicted of two counts of Forgery and sentenced to three years of supervised probation out of the Fifth Judicial District Court, Case No. D-504-CR-2012-00463.
 - b. 2/13/2019: Convicted of Breaking and Entering and sentenced to one year incarceration at the Chaves County Detention Center out of the Fifth Judicial District Court, Case No. D-504-CR-2018-00637 with a one-year habitual offender enhancement.
 - c. 10/29/2019: Convicted of Receipt, transportation, or possession of a firearm or destructive device by certain persons and sentenced to one year incarceration at

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the Chaves County Detention Center out of the Fifth Judicial District Court, Case No. D-504-CR-2019-00455 with a one-year habitual offender enhancement.

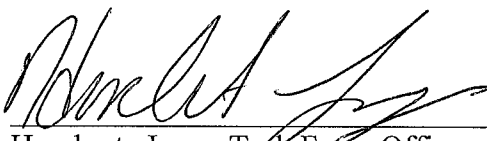
16. Because ROMERO has been convicted of numerous prior felonies where he served more than one year in prison, it is reasonable to infer that ROMERO was aware that he has prior felony convictions. As such, ROMERO is in violation of 18 U.S.C. § 922(g)(1).
17. Additionally, on November 22, 2022, your affiant confirmed with ATF Special Agent Russell Davis, who has been trained by ATF and recognized by the District of New Mexico as an expert in Interstate NEXUS determinations of firearms and ammunition, that the firearm and ammunition involved in this investigation were not manufactured within New Mexico.

JURISDICTION

18. Your affiant knows that the City of Roswell, Chaves County, New Mexico, is located within the District of New Mexico and specifically within the Las Cruces Division.

PROBABLE CAUSE FOR ARREST

19. Based upon the above, your Affiant respectfully submit that probable cause exists to believe that ROMERO possessed the listed ammunition and firearm, and is in violation of 18 U.S.C. § 922(g)(1).
20. This criminal complaint was approved by AUSA Maria Y. Armijo.



Humberto Loya, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

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Subscribed and sworn to before

me this 1st day of December 2022

A handwritten signature in black ink, appearing to be 'Barbara Evans', written over a horizontal line.

THE HONORABLE BARBARA EVANS
UNITED STATES MAGISTRATE JUDGE

